

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
J. Donald HILL <u>et al.</u>)	Examiner: EREZO, Darwin P.
)	
Application No.: 10/715,826)	Group Art Unit: 3773
)	
Filed: November 19, 2003)	Confirmation No.: 3645
)	
For: METHODS, SYSTEMS, AND)	
APPARATUS FOR PERFORMING)	
MINIMALLY INVASIVE)	
CORONARY ARTERY BYPASS)	
GRAFT SURGERY)	

MAIL STOP AMENDMENT

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Commissioner for Patents
U.S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Election/Restriction Requirement, of which the U.S. Patent and Trademark Office ("PTO") notified Applicants on May 13, 2009, Applicants respectfully request that the Examiner consider the above-captioned patent application in view of the following:

Election of Species begins on page 2 of this paper.

Conclusion begins on page 3 of this paper.

Election of Species:

The Election/Restriction Requirement requires that Applicants elect between two (2), patentably distinct species for prosecution in this application. The Election/Restriction Requirement identifies the following two (2) species of claims:

<u>Species:</u>	<u>Description of Species and Associated Claims:</u>
Species I	Directed towards a coupler having a saddle, a flange, and tissue clamp that is configured to be elastically deformable, as depicted in Figs. 18A and 18B (Claims 1-12) .
Species II	Directed towards a coupling device having a first and second coupler, each having a flange and a clamping ring, as depicted in Fig. 21 (Claims 23-33) .

In response to the Election/Restriction Requirement, Applicants elect to prosecute Species I (Claims: 1-12), without traverse, for prosecution on the merits and request further consideration of this application in view of this election.

Conclusion:

Applicants respectfully submit that this application is in condition for allowance, and such disposition is earnestly solicited. Applicants maintain that claims 1-12 allowable, and Applicants respectfully request allowance of these claims. If the Examiner believes that an interview with Applicants' representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Applicants believe that no fees are due as a result of this response to Election/Restriction requirement. Nevertheless, in the event of any variance between the fees determined by Applicants and the fees determined by the PTO, then please charge or credit any such variance to the undersigned's **Deposit Account No. 02-0375**.

Respectfully submitted,
BAKER BOTTS, L.L.P.

Date: **June 15, 2009**

By: /William S. Foster, Jr./
William S. Foster, Jr.
Registration No. 51,695

Baker Botts, L.L.P.
The Warner
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
Tel.: (202) 639-7700
Fax: (202) 639-7890

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